

ESTTA Tracking number: **ESTTA725454**

Filing date: **02/08/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91219185
Party	Plaintiff Uptown Wink LLC
Correspondence Address	WILLIAM J SEITER SEITER LEGAL STUDIO 2500 BROADWAY BUILDING F, SUITE F - 125 SANTA MONICA, CA 90404 UNITED STATES williamjseiter@seiterlegalstudio.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	William J. Seiter
Filer's e-mail	williamjseiter@seiterlegalstudio.com
Signature	/wjs/
Date	02/08/2016
Attachments	Opposer's Notice of Reliance (Opposition No. 91219185).pdf(154784 bytes ) Exhibit 1.pdf(147016 bytes ) Exhibit 2.pdf(153155 bytes ) Exhibit 3.pdf(152778 bytes ) Exhibit 4.pdf(152444 bytes ) Exhibit 5.pdf(153393 bytes ) Exhibit 6.pdf(622315 bytes ) Exhibit 7.pdf(815912 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 86276533  
Mark: PrettyWoman  
Published: November 4, 2014

Uptown Wink LLC  
(a Tennessee limited liability company)  
  
Opposer,  
  
v.  
  
Procop International NV  
(a Curaçao naamloze vennootschap (nv))  
  
Applicant.

)  
)  
)  
)  
)  
) Opposition No. 91219185  
)  
) OPPOSER’S  
) NOTICE OF RELIANCE  
)  
)

Opposer Uptown Wink LLC (herein “Opposer”), by its attorneys, pursuant to 37 C.F.R. §§ 2.120 and 2.122, hereby gives notice that it intends to rely at trial on the following evidence, relevant to the issues raised by the pleadings:

1. Pursuant to 37 C.F.R. § 2.122(e), Opposer intends to rely on the following U.S. trademark registrations and pending applications in the name of Opposer, and submits current printout of information from the electronic database records of the U.S. Patent and Trademark Office consisting of copies obtained from the Office's TESS (Trademark Electronic Search System), along with, in the case of Exhibit 1, a copy of records from the Assignment database showing an assignment to the current owner of the registration:

a. U.S. Trademark Registration No. 2648569, registered November 12, 2002, for the mark PRETTY WOMAN for “Nail and manicure products, namely, artificial fingernails; nail enhancement kits comprised of fingernail art and design products for use on fingernails, namely, stickers,” in International Class 3, and for “Manicure implements, namely, fingernail files and buffers, artificial nail applicator sticks, pedicure files and buffers, and adhesive applicator stick” in International Class 8,

based on use in commerce under Section 1(a) of the Trademark Act, 15 U.S.C. Section 1051(a) (Exhibit 1);

- b. PRETTY WOMAN under U.S. Trademark Registration No. 4226100, registered October 16, 2012, in International Class 3 for “Fragrances for personal use, perfumes, toilet water”; (Exhibit 2);
- c. PRETTY WOMAN under U.S. Trademark Registration No. 3915205, registered February 1, 2011, in International Class 4 for “candles”; (Exhibit 3);
- d. PRETTY WOMAN under U.S. Trademark Application No. 86273783, applied for on May 7, 2014, in International Class 25 for “Clothing, namely, t-shirts, shirts, tank tops, sweat shirts, sweat pants, sweat suits, jeans, pants, shorts, overalls, jumpsuits, skirts, dresses, blouses, jackets, sweaters, vests, swimwear, bathing suits, cover-ups, sleepwear, pajamas, robes, nightgowns, leotards, lingerie, panties, bras, boxer shorts, underwear, scarves, belts, socks, stockings, tights, leggings, gloves; outerwear, namely, coats and raincoats; headgear, namely, hats, caps, headbands, visors and bandanas; footwear, namely, shoes, slippers, boots, sandals, flip-flops, and athletic shoes; (Exhibit 4);
- e. PRETTY WOMAN under U.S. Trademark Application No. 85930608, applied for on May 13, 2013, in International Class 3 for “Nail polish; nail enamels; nail polish top coat; nail polish base coat; nail care preparations; cuticle oils; cuticle cream; nail conditioning lotions; hand creams; nail hardeners; nail polish remover; lipstick; lip gloss; lip liner; lip balm;” (Exhibit 5).

These documents are relevant to this matter because they establish Opposer’s standing to bring this opposition and establish the priority of Opposer’s mark over Applicant’s identical mark.

2. Pursuant to 37 C.F.R. § 2.120(j), Opposer submits Opposer's First Set of Interrogatories dated June 26, 2015 and Applicant's responses thereto dated September 29, 2015 (Exhibit 6). These interrogatories and the responses thereto are relevant to the merits of this opposition and in particular to the issue of whether or not Applicant has used its mark in United States commerce.

3. Pursuant to 37 C.F.R. § 2.120(j), Opposer submits Opposer's First Request for Production of Documents and Things dated June 26, 2015 and Applicant's responses dated September 29, 2015 (Exhibit 7). This document request and the Applicant's responses thereto are relevant to the merits of this cancellation action and in particular to the issues of whether or not Applicant has used its mark in United States commerce.

Dated: February 8, 2016

SEITER LEGAL STUDIO

By: \_\_\_\_\_/s/\_\_\_\_\_  
William J. Seiter

Attorneys for Opposer  
2500 Broadway, Bldg F,  
Suite F-125 Santa Monica  
California 90404 USA  
williamjseiter@seiterlegalstudio.com  
Phone: (424) 238 4333

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Opposer's Initial Disclosures has been forwarded via email to Applicant's attorney of record as follows:

JEFFREY M. FURR  
FURR LAW FIRM

jeffmfurr@furrlawfirm.com

on this 8th day of February, 2016.

\_\_\_\_\_  
/s/

William J. Seiter

# **EXHIBIT 1**

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Sun Feb 7 03:20:57 EST 2016

TESS HOME

NEW USER

STRUCTURED

FREE FORM

BROWSE DICT

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BOTTOM

HELP

PREV LIST

CURR LIST

NEXT LIST

FIRST DOC

PREV DOC

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Logout

Please logout when you are done to release system resources allocated for you.

Start

List At:  OR 

Jump

 to record:  Record 5 out of 5

TSDR

ASSIGN Status

TTAB Status

( Use the "Back" button of the Internet Browser to return to TESS)

# PRETTY WOMAN

Word Mark

PRETTY WOMAN

Goods and Services

IC 003. US 001 004 006 050 051 052. G & S: Nail and manicure products, namely, artificial fingernails, [ nail glue remover; nail treatment preparations, namely, nail strengtheners, nail sealer for use over fingernail polish or bare nails, nail hardener and topcoat; ] nail enhancement kits comprised of [ adhesive strengthener for applying artificial nails and nail tips, nail polish, ] fingernail art and design products for use on fingernails, namely, [ foils, glitters, striping tape, water decals, ] stickers, [ charms, dangles, airbrush stencils; and paints and acrylic sculpturing kits comprised of liquid acrylic nails, acrylic nail powder, primer, nail glue and acrylic nail forms, lipsticks, lip liners and other related products ]. FIRST USE: 19980915. FIRST USE IN COMMERCE: 19980915

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

76237553

Filing Date

April 9, 2001

Current Basis

1A

Original Filing Basis

1A

Published for Opposition

August 20, 2002

**Registration Number** 2648569

**Registration Date** November 12, 2002

**Owner** (REGISTRANT) RICHMAN, DEBORAH INDIVIDUAL UNITED STATES 175 East Shore Road Huntington NEW YORK 11743

(LAST LISTED OWNER) UPTOWN WINK LLC LIMITED LIABILITY COMPANY TENNESSEE 725 Arizona Avenue Suite 206 Santa Monica CALIFORNIA 90401

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** William J. Seiter

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 8 (6-YR). SECTION 8(10-YR) 20131219.

**Renewal** 1ST RENEWAL 20131219

**Live/Dead Indicator** LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST	NEXT LIST	FIRST DOC
PREV DOC	NEXT DOC	LAST DOC									



# **EXHIBIT 2**

Trademarks > Trademark Electronic Search System (TESS)

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- TSDR
- ASSIGN Status
- TTAB Status
- ( Use the "Back" button of the Internet Browser to return to TESS)

PRETTY WOMAN

Word Mark	PRETTY WOMAN
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Fragrances for personal use, perfumes, toilet water. FIRST USE: 20090800. FIRST USE IN COMMERCE: 20090800
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78706717
Filing Date	September 4, 2005
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	June 26, 2007
Registration Number	4226100
Registration Date	October 16, 2012
Owner	(REGISTRANT) Uptown Wink LLC LIMITED LIABILITY COMPANY TENNESSEE 725 Arizona Avenue Suite 206 Santa Monica CALIFORNIA 90401
Attorney of Record	William J. Seiter
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

- TESS HOME
- NEW USER
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# **EXHIBIT 3**

Trademarks > Trademark Electronic Search System (TESS)

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- BROWSE DICT
- SEARCH OG
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- NEXT LIST
- FIRST DOC
- PREV DOC
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Logout

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to record:

Record 4 out of 5

- TSDR
- ASSIGN Status
- TTAB Status
- ( Use the "Back" button of the Internet Browser to return to TESS)

PRETTY WOMAN

Word Mark	PRETTY WOMAN
Goods and Services	IC 004. US 001 006 015. G & S: Candles. FIRST USE: 20090500. FIRST USE IN COMMERCE: 20090500
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77981058
Filing Date	April 9, 2007
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	September 23, 2008
Registration Number	3915205
Registration Date	February 1, 2011
Owner	(REGISTRANT) Uptown Wink, LLC LIMITED LIABILITY COMPANY TENNESSEE 725 Arizona Avenue Suite 206 Santa Monica CALIFORNIA 90401
Attorney of Record	William J. Seiter
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

- TESS HOME
- NEW USER
- STRUCTURED
- FREE FORM
- BROWSE DICT
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# **EXHIBIT 4**

Trademarks > Trademark Electronic Search System (TESS)

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[PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At:  OR [Jump](#) to record:  **Record 1 out of 5**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#)

( Use the "Back" button of the Internet Browser to return to TESS)

# PRETTY WOMAN

Word Mark	PRETTY WOMAN
Goods and Services	IC 025. US 022 039. G & S: Clothing, namely, t-shirts, shirts, tank tops, sweat shirts, sweat pants, sweat suits, jeans, pants, shorts, overalls, jumpsuits, skirts, dresses, blouses, jackets, sweaters, vests, swimwear, bathing suits, cover-ups, sleepwear, pajamas, robes, nightgowns, leotards, lingerie, panties, bras, boxer shorts, underwear, scarves, belts, socks, stockings, tights, leggings, gloves; outerwear, namely, coats and raincoats; headgear, namely, hats, caps, headbands, visors and bandanas; footwear, namely, shoes, slippers, boots, sandals, flip-flops, and athletic shoes
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86273783
Filing Date	May 7, 2014
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	October 7, 2014
Owner	(APPLICANT) Uptown Wink LLC LIMITED LIABILITY COMPANY TENNESSEE 201 Santa Monica Blvd #480 Santa Monica CALIFORNIA 90401
Attorney of Record	William J. Seiter



**Prior Registrations** 3424942;3915205;4226100

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

- TESS HOME
- NEW USER
- STRUCTURED
- FREE FORM
- BROWSE DICT
- SEARCH OG
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- HELP
- PREV LIST
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# **EXHIBIT 5**

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Sun Feb 7 03:20:57 EST 2016

- TESS HOME
- NEW USER
- STRUCTURED
- FREE FORM
- BROWSE DICT
- SEARCH OG
- BOTTOM
- HELP
- PREV LIST
- CURR LIST
- NEXT LIST
- FIRST DOC
- PREV DOC
- NEXT DOC
- LAST DOC

Logout

Please logout when you are done to release system resources allocated for you.

Start

List At:

OR

Jump

to record:

Record 2 out of 5

- TSDR
- ASSIGN Status
- TTAB Status
- ( Use the "Back" button of the Internet Browser to return to TESS)

PRETTY WOMAN

Word Mark	PRETTY WOMAN
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Nail polish; nail enamels; nail polish top coat; nail polish base coat; nail care preparations; cuticle oils; cuticle cream; nail conditioning lotions; hand creams; nail hardeners; nail polish remover; lipstick; lip gloss; lip liner; lip balm
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85930608
Filing Date	May 13, 2013
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	October 8, 2013
Owner	(APPLICANT) Uptown Wink, LLC LIMITED LIABILITY COMPANY TENNESSEE c/o H2 Management, 201 Santa Monica Blvd Santa Monica CALIFORNIA 90401
Attorney of Record	William J. Seiter
Prior Registrations	2648569

**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST	NEXT LIST	FIRST DOC
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# **EXHIBIT 6**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 86276533  
Mark: PrettyWoman  
Published: November 4, 2014

Uptown Wink LLC	)	
(a Tennessee limited liability company)	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91219185
	)	
Procop International NV	)	
(a Curaçao naamloze vennootschap (nv))	)	
	)	
Applicant.	)	

**OPPOSER’S FIRST SET OF INTERROGATORIES TO APPLICANT**

Opposer Uptown Wink LLC (herein “Opposer”), by its attorneys, pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, requests that Applicant Procop International NV (herein “Applicant”), answer the following interrogatories separately and fully in writing and under oath.

**INSTRUCTIONS**

1. In answering these interrogatories, furnish all information, however obtained, including hearsay which is available to Applicant and information known by or in possession of Applicant, its agents and attorneys, or appearing in its records.
2. Applicant is reminded that it is under a duty to conduct a reasonable investigation in connection with its answers, and that its answers to these interrogatories must contain all information possessed by it.

3. If Applicant cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, state an answer to the extent possible, specifying Applicant's inability to answer the remainder, stating whatever information or knowledge Applicant has concerning the unanswered portion and detailing what Applicant did in attempting to secure the unknown information.

4. These interrogatories shall be deemed to be continuing and it is requested that Applicant serve supplementary answers as required by Rule 26(e) of the Federal Rules of Civil Procedure.

5. For the convenience of the Board and counsel, it is requested that each interrogatory be set forth immediately preceding the answer thereto.

### **DEFINITIONS**

"Describe" means to specify in detail and to particularize the contents of the answer to the question and not just to state the reply in summary or outline fashion.

"Document" means any writing or record of any type or description, including but not limited to originals (or, if Applicant lacks the original, whatever type of copy he has) of agreements, correspondence, letters, telegrams, inter-office and intra-office communications, memoranda, reports, records, instructions, specifications, notes, notebooks, scrapbooks, diaries, minutes, minutes of meetings, plans, drawings, sketches, blueprints, photographs, photocopies, charts, curves, descriptions, invoices, purchase orders, bills of lading, motion pictures, recordings, published or unpublished speeches or articles, publications, transcripts, and any other retrievable data however recorded, memorialized or preserved, in the possession, custody or control of Applicant or known to Applicant, wherever the same may be located, however produced or reproduced, including any non-identical copy, whether differing from an original or

another version thereof because of any alterations, notes, comments or other material contained thereon or attached thereto, or otherwise, and whether a draft or a final version.

“Identify” means, when used in reference to:

(a) a natural person: his/her full name, present or last known home address; present or last known business address; present position, business affiliation and job description (and if the same not be known, his/her last known position, business affiliation and job description, identified as such); his/her position, business affiliation and job description at the time in question, with respect to the interrogatory involved; and with respect to each present or past employee of Applicant, the date such person began employment with Applicant and, if no longer employed, the date such employment terminated; and identification of each position held by such person with Applicant, including the beginning and ending dates during which each such position was held, the title of each position, the description of the duties and responsibilities of such position, the name of the direct supervisor of such person or the name of the person to whom such person reported in each such position, and the approximate number of persons who reported to such person in each position;

(b) a company, corporation, association, partnership, or any other business or legal entity not a natural person: its full name; principal place of business, state of incorporation or juridical status;

(c) a document: its character (e.g., letter, memorandum, report, etc.), its title, date, author, addressee, distributee, and number of pages, its subject matter, identification of each person Applicant has reason to believe may have knowledge of the contents thereof, its present location and its custodian’s identification (or, if any such document is no longer in existence or in the possession of or subject to the control of Applicant, the disposition made of it and the circumstances and date of such disposition);



(d) a license, distribution agreement, or other contract or agreement: its date, title, identification of each party thereto, subject matter, the date and subject matter of any amendment, schedule or addendum thereto or any modification thereof;

(e) any other thing: a description with sufficient particularity that such thing may thereafter be specified and recognized as such;

(f) an oral statement or communication:

(i) its date and the place where it occurred;

(ii) its substance;

(iii) the identification of each person to whom such statement or communication was made, each person by whom such statement or communication was made, and each person who was present when such statement or communication was made.

“Applicant” means Procop International NV, a Curaçao naamloze vennootschap (nv), and includes its agents, employees, servants and attorneys and all other persons acting for or on its behalf.

“Applicant’s Mark” means the following alleged mark: PrettyWoman under U.S. Trademark Application Serial No. 86276533

“Person” means any natural person, corporation, association, firm, partnership or other business or legal entity.

“Opposer” means Uptown Wink LLC, a Tennessee limited liability company, and includes its officers, directors, agents, employees, servants and attorneys and all other persons acting for or on its behalf.

## **INTERROGATORIES**

### **INTERROGATORY NO. 1**

State the domain name or domain names of any website or websites provided by Applicant utilizing Applicant's Mark in the promotion of any goods or services.

### **INTERROGATORY NO. 2**

List any domain names of which Applicant is the domain name registrant.

### **INTERROGATORY NO. 3**

Describe how Applicant selected Applicant's Mark.

### **INTERROGATORY NO. 4**

Identify all persons who participated in any way in Applicant's decision to adopt Applicant's Mark.

### **INTERROGATORY NO. 5**

Identify any search conducted by Applicant to determine whether Applicant's Mark was available for use.

### **INTERROGATORY NO. 6**

State the date of the first provision in United States commerce of any services under Applicant's Mark.

### **INTERROGATORY NO. 7**

State the date of the first sale in United States commerce of any services under Applicant's Mark.

### **INTERROGATORY NO. 8**

Describe the services sold in Applicant's first sale in United States commerce of services under Applicant's Mark.

**INTERROGATORY NO. 9**

Identify to whom the first sale in United States commerce of services under Applicant's Mark was made.

**INTERROGATORY NO. 10**

Identify all facts, documents and materials which support Applicant's claim that Applicant's Mark was used in interstate commerce at least as early as April 1, 2014 in connection with "promoting the goods and services of others by providing a website featuring advertisements, banners and links to the websites of others in the field of adult-themed products, services and entertainment; providing dissemination of advertising for the goods and services of others via a global computer network; providing commercial directory information in the area of adult-themed products, services and entertainment via a global computer network; providing an on-line computer database in the field of locating and describing adult-themed products via a global computer network."

**INTERROGATORY NO. 11**

Identify all facts, documents and materials which support Applicant's claim that Applicant's Mark was in use in interstate commerce on April 1, 2014 in connection with all of the following services: "Health care services, namely, providing information and counseling services directed at Hispanics regarding health, wellness, healthy lifestyle, diet and nutrition; providing a website directed at Hispanics featuring information on health, wellness, healthy lifestyle, diet and nutrition."

**INTERROGATORY NO. 12**

State the date on which Applicant first became aware of the use of the term PRETTY WOMAN by any person or persons.

**INTERROGATORY NO. 13**

Identify by name and contact information any person or persons Applicant became aware was using the term PRETTY WOMAN at any time on or prior to April 1, 2014.

**INTERROGATORY NO. 14**

- (a) State whether Applicant acquired any rights in Applicant's Mark by assignment.
- (b) If the answer to (a) above is in the affirmative, state
  - (i) from whom such assignment was received;
  - (ii) the date such assignment was made;
  - (iii) the services for which each such assignment was made.

**INTERROGATORY NO. 15**

- (a) State whether Applicant has licensed Applicant's Mark to any party.
- (b) If the answer to (a) above is in the affirmative, state:
  - (i) to whom the Applicant's Mark was licensed;
  - (ii) the date any such license was made;
  - (iii) the services for which any such license was granted.

**INTERROGATORY NO. 16**

Identify the specific services on or in connection with which Applicant's Mark is in current use in United States commerce.

**INTERROGATORY NO. 17**

Set forth:

- (a) the annual dollar amount of Applicant's revenues from sales of services using Applicant's Mark in United States commerce during each of the past three years; and
- (b) the annual dollar amount of Applicant's promotional expenditures promoting Applicant's Mark in United States commerce during each of the past three years.

**INTERROGATORY NO. 18**

Identify any agreement entered into by Applicant which refers or relates to the provision of services under Applicant's Mark.

**INTERROGATORY NO. 19**

Identify any agreement entered into by Applicant which refers or relates to the promotion of Applicant's Mark.

**INTERROGATORY NO. 20**

Identify each type of media through which Applicant has ever promoted the sale of any services in United States commerce bearing Applicant's Mark.

**INTERROGATORY NO. 21**

Identify any litigation involving Applicant's Mark to which Applicant has been a party at any time.

**INTERROGATORY NO. 22**

Describe each incident known to Applicant of actual confusion between Applicant or any of its services provided under Applicant's Mark, and Opposer or any of its goods provided under PRETTY WOMAN and identify any person with knowledge thereof.

**INTERROGATORY NO. 23**

Identify any communications received by Applicant that were addressed to or intended for Opposer.

**INTERROGATORY NO. 24**

Identify every opinion, legal or otherwise, requested or received by Applicant regarding the right to use Applicant's Mark including the identity of the persons requesting the opinion, the date and substance of the opinion, and the persons receiving the opinion.

**INTERROGATORY NO. 25**

Identify any cease and desist letters sent or received by Applicant at any time relating to, regarding or concerning Applicant's mark.

**INTERROGATORY NO. 26**

Describe any instances in which any third party at any time challenged Applicant's right to use Applicant's Mark.

**INTERROGATORY NO. 27**

Identify the persons most knowledgeable about Applicant's use of Applicant's Mark.

**INTERROGATORY NO. 28**

Identify by name, title and contact information the persons at Applicant chiefly responsible for the business operations of Applicant.

**INTERROGATORY NO. 29**

Identify by name, title and contact information the persons at Applicant chiefly responsible for marketing Applicant's services under Applicant's Mark.

**INTERROGATORY NO. 30**

Identify by name, title and contact information the persons at Applicant chiefly responsible for preparing and maintaining the financial records of Applicant.

**INTERROGATORY NO. 31**

Identify each of the fact witnesses Applicant intends to call to testify on its behalf in connection with this cancellation proceeding.

**INTERROGATORY NO. 33**

Identify each person who participated in the preparation of Applicant's responses to the foregoing interrogatories.

Dated: June 26, 2015

SEITER LEGAL STUDIO

By:                     /s/                      
William J. Seiter

Attorneys for Opposer  
2500 Broadway, Bldg F, Suite F-125  
Santa Monica, California 90404  
Telephone: 1. 424.238.4333  
Email: [williamjseiter@seiterlegalstudio.com](mailto:williamjseiter@seiterlegalstudio.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Opposer's First Set of Interrogatories to Applicant has been forwarded via email to Applicant as follows:

[JeffMFurr@FurrLawFirm.com](mailto:JeffMFurr@FurrLawFirm.com)

Jeff M. Furr, Esq.  
Furr Law Firm

on this 26<sup>th</sup> day of June, 2015.

  /s/    
William J. Seiter

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 86276533  
Mark: PrettyWoman  
Published: November 4, 2014

Uptown Wink LLC	)	
(a Tennessee limited liability company)	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91219185
	)	
Procop International NV	)	
(a Curaçao naamloze vennootschap (nv))	)	
	)	
Applicant.	)	

**APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF  
INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and 37 C.F.R. Section 2,120, Applicant, Procop International NV, hereby responds to Opposer's First Set of Interrogatories to Applicant.

**PRELIMINARY STATEMENT AND GENERAL OBJECTIONS**

1. Applicant has not completed its investigation relating to this action and has not completed preparation for trial on the merits. As discovery proceeds, facts, information, evidence, documents and things may be discovered that are not set forth herein pursuant to these responses, but which may have been responsive to Applicant's Interrogatories. The following responses are based on Applicant's knowledge, information, and belief at this time and are complete as to Applicant's best knowledge at this time. Further, these responses were prepared based on Applicant's good faith



interpretation and understanding of the individual Interrogatories and are subject to correction for inadvertent errors or omissions, if any. These responses are provided without prejudice to subsequent revision of supplementation based upon any information, evidence, and documentation that hereinafter may be discovered.

2. Applicant objects to the Interrogatories to the extent any Interrogatory calls for the information that is protected by the attorney-client privilege, the attorney work product doctrine, and/or any other applicable privilege or immunity, and declines to provide such information.
3. Applicant objects to the Interrogatories to the extent they call for the provision of information that is subject to confidentiality agreements, protective orders, and/or any other obligation pursuant to which Applicant is required to protect and/or maintain the confidentiality of any third party's documents or information.
4. Applicant objects to the Interrogatories to the extent that any Interrogatory calls for the disclosure of information which would constitute an unwarranted invasion of any person's constitutional, statutory, and/or common-law rights of privacy or confidentiality.
5. Applicant objects to the Interrogatories to the extent they seek information or documents which are irrelevant to any issue raised in this proceeding and not reasonably calculated to lead to the discovery of evidence admissible at trial.
6. Applicant objects to the Interrogatories to the extent any Interrogatory is overly broad, oppressive, vague or ambiguous or which request documents or information which is unduly burdensome to produce.
7. Applicant objects to the Interrogatories to the extent they seek the provision of documents which are not within Applicant's possession, custody or control, seek information that is in the public domain and equally available to Opposer, or seek information that is already in Opposer's possession, on the grounds that such an interrogatory requires more of the Applicant than any

obligation imposed by the Federal Rules of Civil Procedure, and seeks to impose upon Applicant an obligation to investigate or discover information or materials from third parties or sources that are equally accessible to Applicant and would, therefore, subject Applicant to undue and unreasonable oppression, burden and expense. Applicant further objects to the Interrogatories to the extent that any of them, or any of the instructions and definitions contained in the Interrogatories, otherwise seeks to impose obligations beyond those required or allowed by the Federal Rules of Civil Procedure or the applicable Trademark Rules (37 CFR).

8. Applicant's responses to these Interrogatories are without prejudice to any objection it may have as to the relevance or admissibility of the information sought, or whether the information sought is within the proper scope of discovery in this action.

9. To the extent that any Interrogatories state allegations of facts in dispute, Applicant objects to the Interrogatories, and any response to such Interrogatory shall not be construed in any way as an admission with respect to the disputed facts.

10. Applicant objects to the interrogatories to the extent they are annoying, harassing and oppressive.

11. Applicant objects to the interrogatories to the extent they request information in a format which is not maintained by Applicant.

12. Applicant objects to the interrogatories to the extent they request information regarding activities outside the United States on the ground they seek information which is irrelevant to any issue raised in this proceeding and not reasonably calculated to lead to the discovery of evidence that is admissible at trial because this is not a concurrent use proceedings and no affirmative defenses or counterclaims have been raised.

13. These General Objections are hereby incorporated by reference into each of the following individual responses as if fully set forth therein. To the extent that a specific General Objection is

stated in response to an individual Interrogatory, such specific citation is provided because the objection is believed to be particularly applicable to that Interrogatory and is not to be construed as a waiver of any other General Objection applicable to information falling within the scope of the Interrogatory.

## **INTERROGATORIES**

### **INTERROGATORY NO. 1**

State the domain name or domain names of any website or websites provided by Applicant utilizing Applicant's Mark in the promotion of any goods or services.

See General Objections.

Website domains using the applicant's marks are:

www.callgirls.org  
www.escortservice.org  
www.prettywoman.net

### **INTERROGATORY NO. 2**

List any domain names of which Applicant is the domain name registrant.

See General Objections.

www.callgirls.org  
www.escortservice.org  
www.prettywoman.net

### **INTERROGATORY NO. 3**

Describe how Applicant selected Applicant's Mark.

See General Objections. In searching for name for its brand, Applicant wanted to use an name of empowerment and pride.

**INTERROGATORY NO. 4**

Identify all persons who participated in any way in Applicant's decision to adopt Applicant's Mark.

See General Objections. Chretien Schouten

**INTERROGATORY NO. 5**

Identify any search conducted by Applicant to determine whether Applicant's Mark was available for use.

See General Objections. Applicant conducted web search in search of any business entity or trademark holder using the mark in the same manner of business.

**INTERROGATORY NO. 6**

State the date of the first provision in United States commerce of any services under Applicant's Mark.

See General Objections. April 01, 2014.

**INTERROGATORY NO. 7**

State the date of the first sale in United States commerce of any services under Applicant's Mark.

See General Objections. No sales yet.

**INTERROGATORY NO. 8**

Describe the services sold in Applicant's first sale in United States commerce of services under Applicant's Mark.

See General Objections. No sales yet.

**INTERROGATORY NO. 9**

Identify to whom the first sale in United States commerce of services under Applicant's Mark was made.

See General Objections. No sales yet.

**INTERROGATORY NO. 10**

Identify all facts, documents and materials which support Applicant's claim that Applicant's Mark was used in interstate commerce at least as early as April 1, 2014 in connection with "promoting the goods and services of others by providing a website featuring advertisements, banners and links to the websites of others in the field of adult-themed products, services and entertainment; providing dissemination of advertising for the goods and services of others via a global computer network; providing commercial directory information in the area of adult-themed products, services and entertainment via a global computer network; providing an on-line computer database in the field of locating and describing adult-themed products via a global computer network."

See General Objections. Websites where the mark was used. See provided banners and screenshots.

**INTERROGATORY NO. 11**

Identify all facts, documents and materials which support Applicant's claim that Applicant's Mark was in use in interstate commerce on April 1, 2014 in connection with all of the following services: "Health care services, namely, providing information and counseling services directed at Hispanics regarding health, wellness, healthy lifestyle, diet and nutrition; providing a website directed at Hispanics featuring information on health, wellness, healthy lifestyle, diet and nutrition."

See General Objections. Application did not claim use in interstate commerce for the

services: “Health care services, namely, providing information and counseling services directed at Hispanics regarding health, wellness, healthy lifestyle, diet and nutrition; providing a website directed at Hispanics featuring information on health, wellness, healthy lifestyle, diet and nutrition.”

**INTERROGATORY NO. 12**

State the date on which Applicant first became aware of the use of the term PRETTY WOMAN by any person or persons.

See General Objections. When Opposer notified Application.

**INTERROGATORY NO. 13**

Identify by name and contact information any person or persons Applicant became aware was using the term PRETTY WOMAN at any time on or prior to April 1, 2014.

See General Objections. There are none.

**INTERROGATORY NO. 14**

(a) State whether Applicant acquired any rights in Applicant’s Mark by assignment.

(b) If the answer to (a) above is in the affirmative, state

(i) from whom such assignment was received;

(ii) the date such assignment was made;

(iii) the services for which each such assignment was made.

See General Objections. No the Applicant did not acquire any rights by assignment.

**INTERROGATORY NO. 15**

(a) State whether Applicant has licensed Applicant’s Mark to any party.

(b) If the answer to (a) above is in the affirmative, state:

(i) to whom the Applicant’s Mark was licensed;

(ii) the date any such license was made;

(iii) the services for which any such license was granted.

See General Objections. No.

**INTERROGATORY NO. 16**

Identify the specific services on or in connection with which Applicant's Mark is in current use in United States commerce.

See General Objections. Prettywoman brand is used on our current sites and future sites in the network. It is used with an advertisement platform allowing clients to post ads for free, but also offer paid options.

**INTERROGATORY NO. 17**

Set forth:

(a) the annual dollar amount of Applicant's revenues from sales of services using Applicant's Mark in United States commerce during each of the past three years; and

(b) the annual dollar amount of Applicant's promotional expenditures promoting Applicant's Mark in United States commerce during each of the past three years.

See General Objections. (a) No revenue yet.

(b) No promotional expenditures.

**INTERROGATORY NO. 18**

Identify any agreement entered into by Applicant which refers or relates to the provision of services under Applicant's Mark.

See General Objections. No such agreement exist.

**INTERROGATORY NO. 19**

Identify any agreement entered into by Applicant which refers or relates to the promotion of Applicant's Mark.

See General Objections. No such agreement exist.

**INTERROGATORY NO. 20**

Identify each type of media through which Applicant has ever promoted the sale of any services in United States commerce bearing Applicant's Mark.

See General Objections. The mark is currently being used on Applicant's websites.

**INTERROGATORY NO. 21**

Identify any litigation involving Applicant's Mark to which Applicant has been a party at any time.

See General Objections. None.

**INTERROGATORY NO. 22**

Describe each incident known to Applicant of actual confusion between Applicant or any of its services provided under Applicant's Mark, and Opposer or any of its goods provided under PRETTY WOMAN and identify any person with knowledge thereof.

See General Objections. None.

**INTERROGATORY NO. 23**

Identify any communications received by Applicant that were addressed to or intended for Opposer.

See General Objections. None.

**INTERROGATORY NO. 24**

Identify every opinion, legal or otherwise, requested or received by Applicant regarding the right to use Applicant's Mark including the identity of the persons requesting the opinion, the date and substance of the opinion, and the persons receiving the opinion.

See General Objections. None.



**INTERROGATORY NO. 25**

Identify any cease and desist letters sent or received by Applicant at any time relating to, regarding or concerning Applicant's mark.

See General Objections. None.

**INTERROGATORY NO. 26**

Describe any instances in which any third party at any time challenged Applicant's right to use Applicant's Mark.

See General Objections. None besides this Opposition.

**INTERROGATORY NO. 27**

Identify the persons most knowledgeable about Applicant's use of Applicant's Mark.

See General Objections. Chretien Schouten

**INTERROGATORY NO. 28**

Identify by name, title and contact information the persons at Applicant chiefly responsible for the business operations of Applicant.

See General Objections. Chretien Schouten,  
owner, chretien@procopservices.com

**INTERROGATORY NO. 29**

Identify by name, title and contact information the persons at Applicant chiefly responsible for marketing Applicant's services under Applicant's Mark.

See General Objections. Chretien Schouten,  
owner, chretien@procopservices.com

**INTERROGATORY NO. 30**

Identify by name, title and contact information the persons at Applicant chiefly responsible for preparing and maintaining the financial records of Applicant.

See General Objections. Chretien Schouten

**INTERROGATORY NO. 31**

Identify each of the fact witnesses Applicant intends to call to testify on its behalf in connection with this cancellation proceeding.

See General Objections. Chretien Schouten

**INTERROGATORY NO. 33**

Identify each person who participated in the preparation of Applicant's responses to the foregoing interrogatories.

See General Objections. Chretien Schouten, Jeffrey M. Furr

Respectfully submitted for the objections,

/jmf/  
Jeffrey M. Furr  
Attorney for Applicant  
2622 Debolt Road  
Utica, Ohio 43080  
740-892-2118

I, Chretien Schouten, Representative for Applicant, declare that the information provided in these interrogatories has been submitted truthfully.

Respectfully submitted,



11  
Chretien Schouten, Representative for Applicant

CERTIFICATE OF SERVICE

I hereby certify that this paper is being deposited on the 29th day of September, 2015 with the United States Postal Service in an envelope addressed to:

WILLIAM J SEITER  
SEITER LEGAL STUDIO  
2500 BROADWAY BUILDING F, SUITE F - 125  
SANTA MONICA, CA 90404  
UNITED STATES

/jmf/  
Jeffrey M. Furr, Esquire

# **EXHIBIT 7**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 86276533  
Mark: PrettyWoman  
Published: November 4, 2014

-----	)	
Uptown Wink LLC	)	
(a Tennessee limited liability company)	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91219185
	)	
Procop International NV	)	
(a Curaçao naamloze vennootschap (nv))	)	
	)	
Applicant.	)	
-----	)	

**OPPOSER’S FIRST REQUEST FOR PRODUCTION OF  
DOCUMENTS AND THINGS**

Opposer Uptown Wink LLC (herein “Opposer”), by its attorneys, pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, requests that Applicant Procop International NV (herein “Applicant”) produce all documents and things within Applicant’s possession, custody or control which are hereinafter described. Applicant is requested to produce all such documents and things within thirty (30) days of service of this request at the offices of Opposer’s attorneys of record, Seiter Legal Studio, 2500 Broadway, Bldg F, Suite F-125, Santa Monica, California 90404, or such other location as counsel for the parties may mutually agree.

**DEFINITIONS**

For purposes of this document request, the definitions contained in “Opposer’s First Set of Interrogatories to Applicant” served simultaneously with this Request for Production shall apply and are incorporated herein by reference.

## **INSTRUCTIONS**

All documents shall be segregated and identified by the request to which they are primarily responsive. For each document requested herein which is sought to be withheld under a claim of privilege, or other objection, provide the following information:

- (a) identify the nature of the privilege, e.g., work product, which is being claimed;
- (b) the place, approximate date, and manner of recordation or preparation of the document;
- (c) the name and title of the sender, and the name and title of each recipient of the document;
- (d) the name of each person or persons (other than stenographic or clerical assistants) who participated in the preparation of the document;
- (e) the name and corporate position of each person to whom the contents of the document have heretofore been disclosed or communicated by copy, exhibition, reading or substantial summarization;
- (f) a statement of the basis upon which the claim of privilege is asserted and whether or not the subject matter of the contents of the document is limited to legal advice or information provided for the purpose of securing legal advice;
- (g) the number of the request herein to which the document is responsive;
- (h) the identity and corporate position of the person or persons supplying the attorney with the information in subsections (b) through (f) above; and
- (i) a brief description of the subject matter of the contents of the document.

Documents to be produced pursuant to this request include all documents prepared or used at any time to the present.

Each request for documents seeks production of all documents described herein in the possession, custody or control of Applicant, including but not limited to, its attorneys.

Each request for documents seeks production of the document in its entirety, without abbreviation or expurgation, including all attachments or other matters affixed thereto.

If any document requested herein was formerly in Applicant's possession, custody, or control and has been lost or destroyed, or otherwise disposed of, Applicant is requested to submit in lieu of any such document a written statement: (i) describing in detail the nature of the document and its contents; (ii) identifying the person(s) who prepared or authorized the document and, if applicable, the person(s) to whom the document was sent and indicated or blind copies; (iii) specifying the date on which the document was prepared or transmitted; and (iv) specifying, if possible the date on which the document was lost or destroyed and, if destroyed, the conditions of and reasons for such destruction and the persons requesting and performing the destruction.

If any document relates in any manner to a meeting or to any other conversation, all participants in the meeting or conversation are to be identified.

This request is a continuing one and any document obtained subsequent to production which would have been produced had it been available or its existence been known at the time of production specified herein is to be supplied forthwith.

### **DOCUMENTS REQUESTED**

1. All documents which refer or relate to Applicant's formation as a naamloze vennootschap (nv), any changes in the entity name of Applicant, any fictitious business names used or filed by Applicant in any state of the United States or county or other political subdivision of any state, any merger of Applicant with or into any other entity, license or licenses to do business in any state of the United States, and any qualification or qualifications to do business in any state of the United States.

2. All documents which refer or relate to or comment on Applicant's consideration of or decision to select, adopt or use Applicant's Mark in United States commerce.
3. All documents which refer or relate to or comment on Applicant's advertising and/or promotion in United States commerce of any services under Applicant's Mark.
4. All documents which refer or relate to or comment on Applicant's use or intended use of Applicant's Mark in United States commerce.
5. All documents which refer or relate to or comment on any provision of services under Applicant's Mark in United States commerce.
6. All documents which refer or relate to or comment on any sales of services under Applicant's Mark in United States commerce.
7. All documents which refer or relate to or comment on any searches, investigations or inquiries conducted by Applicant or by any person acting for or on its behalf regarding the availability of Applicant's Mark for use in United States commerce and/or registration in the United States.
8. A sample, copy, photograph, illustration, sketch or other depiction of each website, webpage, web banner ad, web button, package, label, sign, print, wrapper, receptacle and the like which has been or now is being used by Applicant in United States commerce which bears Applicant's Mark in whole or in part.
9. A sample, copy, photograph, illustration, sketch or other depiction of each website, webpage, web banner ad, web button, package, label, sign, print, wrapper, receptacle and the like which has been or now is being used by any licensee of Applicant in United States commerce which bears Applicant's Mark in whole or in part.
10. Copies of each and every different advertisement and item of a promotional nature disseminated or printed by or for Applicant in United States commerce via the Internet,



television, radio, print media or any other medium whatsoever, whether or not released or aired, in which Applicant's Mark appears.

11. All documents which refer or relate to or comment on any license, permission, or authorization by Applicant or by any person acting for or on its behalf to use Applicant's Mark in United States commerce.

12. All documents which refer or relate to or comment on any application for registration or any registration by Applicant, or by any predecessor and/or affiliated person or company of Applicant, of Applicant's Mark for any goods or services in the United States Patent and Trademark Office.

13. Copies of all agreements, contracts or other arrangements between Applicant and any third party which refer or relate to or comment on the promotion or use in United States commerce of Applicant's Mark.

14. Copies of all agreements, contracts or other arrangements between Applicant and any third party which refer or relate to or comment on the provision of any services under Applicant's Mark.

15. All documents which refer or relate to any litigation or other proceedings in the United States involving Applicant's Mark to which Applicant or any predecessor-in-interest of Applicant is or had been a party or in which Applicant or any or any predecessor-in-interest of Applicant is or has been involved.

16. (a) Copies of any and all statements and/or opinions of any person, other than an attorney rendering legal advice to Applicant within the scope of an attorney-client privilege, regarding any of the issues involved in this opposition proceeding.

(b) All documents which refer or relate to or comment on any of the statements and/or opinions referred to in (a) above.

17. Copies of any and all statements and/or opinions of any expert obtained by Applicant or any person acting for or on behalf of Applicant regarding any of the issues involved in this opposition proceeding.

18. All documents, other than those produced in response to any of the foregoing requests, identified by Applicant in its responses to “Opposer’s First Set of Interrogatories to Applicant.”

19. Copies of all documents, other than those produced in response to any of the foregoing requests, upon which Applicant intends to rely in connection with this opposition proceeding.

22. Copies of all documents, other than those produced in response to any of the foregoing requests, which were examined, reviewed or inspected by Applicant or any person acting for or on behalf of Applicant in connection with the preparation of Applicant’s responses to “Opposer’s First Set of Interrogatories to Applicant.”

Dated: June 26, 2015

SEITER LEGAL STUDIO

By: \_\_\_\_\_/s/\_\_\_\_\_  
William J. Seiter

Attorneys for Opposer  
2500 Broadway, Bldg F, Suite F-125  
Santa Monica, California 90404  
Telephone: 1. 424.238.4333  
Email: [williamjseiter@seiterlegalstudio.com](mailto:williamjseiter@seiterlegalstudio.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Opposer's First Request for Production of Documents and Things to Applicant has been forwarded via email to Applicant as follows:

JeffMFurr@FurrLawFirm.com

Jeff M. Furr, Esq.  
Furr Law Firm

on this 26<sup>th</sup> day of June, 2015.

\_\_\_\_\_  
/s/

William J. Seiter

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 86276533  
Mark: PrettyWoman  
Published: November 4, 2014

Uptown Wink LLC	)	
(a Tennessee limited liability company)	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91219185
	)	
Procop International NV	)	
(a Curaçao naamloze vennootschap (nv))	)	
	)	
Applicant.	)	

**APPLICANT'S RESPONSE TO OPPOSER'S FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS**

Pursuant to Rules 34 of the Federal Rules of Civil Procedure and 37 C.F.R. Section 2,120, Applicant, Procop International NV, hereby responds to Applicant's First Set of Requests for Production of Documents to Applicant.

**PRELIMINARY STATEMENT AND GENERAL OBJECTIONS**

1. Applicant has not completed its investigation relating to this action and has not completed preparation for trial on the merits. As discovery proceeds, facts, information, evidence, documents and things may be discovered that are not set forth herein pursuant to these responses, but which may have been responsive to Respondent's Request for the production of documents. The following responses are based on Applicant's knowledge, information, and belief at this time and are complete as to Applicant's best knowledge at this time. Further, these responses were prepared based on Applicant's good faith interpretation and understanding of the individual requests and are subject to correction for inadvertent errors or omissions, if any. These responses are provided without prejudice to subsequent revision of supplementation based upon any information, evidence, and documentation that hereinafter may be discovered.
2. Applicant objects to the Requests for Production of Documents to the extent any Request calls for the information that is protected by the attorney-client privilege, the attorney work product doctrine, and/or any other applicable privilege or immunity, and declines to provide such information.
3. Applicant objects to the Requests for Production of Documents to the extent they call for the provision of information that is subject to confidentiality agreements, protective orders, and/or any other obligation pursuant to which Applicant is required to protect and/or maintain the confidentiality of any third party's documents or information.

4. Applicant objects to the Requests for the Production of Documents to the extent that any Production of Documents calls for the disclosure of information which would constitute an unwarranted invasion of any person's constitutional, statutory, and/or common-law rights of privacy or confidentiality.
5. Applicant objects to the Requests for the Production of Documents to the extent they seek information or documents which are irrelevant to any issue raised in this proceeding and not reasonably calculated to lead to the discovery of evidence admissible at trial.
6. Applicant objects to the Requests for the Production of Documents to the extent any Request is overly broad, oppressive, vague or ambiguous or which request documents or information which is unduly burdensome to produce.
7. Applicant objects to the Requests for the Production of Documents to the extent they seek the provision of documents which are not within Applicant's possession, custody or control, seek information that is in the public domain and equally available to Opposer, or seek information that is already in Applicant's possession, on the grounds that such a request requires more of the Applicant than any obligation imposed by the Federal Rules of Civil Procedure, and seeks to impose upon Applicant an obligation to investigate or discover information or materials from third parties or sources that are equally accessible to Applicant and would, therefore, subject Applicant to undue and unreasonable oppression, burden and expense. Applicant further objects to the Production of Documents to the extent that any of them, or any of the instructions and definitions contained in the Production of Documents, otherwise seeks to impose obligations beyond those required or allowed by the Federal Rules of Civil Procedure or the applicable Trademark Rules (37 CFR).
8. Applicant's responses to this Production of Documents are without prejudice to any objection it may have as to the relevance or admissibility of the information sought, or whether the information sought is within the proper scope of discovery in this action.
9. Applicant objects to the requests to the extent they are annoying, harassing and oppressive.
10. Applicant objects to the Production of Documents to the extent they request information in a format which is not maintained by Applicant.
12. Applicant objects to the Production of Documents to the extent they request information regarding activities outside the United States on the ground they seek information which is irrelevant to any issue raised in this proceeding and not reasonably calculated to lead to the discovery of evidence that is admissible at trial because this is not a concurrent use proceedings and no affirmative defences or counterclaims have been raised.
13. These General Objections are hereby incorporated by reference into each of the following individual responses as if fully set forth therein. To the extent that a specific General Objection is stated in response to an individual Request, such specific citation is provided because the objection is believed to be particularly applicable to that Request and is not to be construed as a waiver of any other General Objection applicable to information falling within the scope of the Production of Documents.

## **REQUESTS FOR PRODUCTION OF DOCUMENTS**

### **REQUEST NO. 1:**

1. All documents which refer or relate to Applicant's formation as a naamloze vennootschap (nv), any changes in the entity name of Applicant, any fictitious business names used or filed by Applicant in any state of the United States or county or other political subdivision of any state, any merger of Applicant with or into any other entity, license or licenses to do business in any state of the United States, and any qualification or qualifications to do business in any state of the United States.

**Response.** See General Objections. Document to the extent they exist will be provided.

### **REQUEST NO. 2:**

All documents which refer or relate to or comment on Applicant's consideration of or decision to select, adopt or use Applicant's Mark in United States commerce.

**Response.** See General Objections. Document to the extent they exist will be provided. No such documents exist.

### **REQUEST NO. 3:**

All documents which refer or relate to or comment on Applicant's advertising and/or promotion in United States commerce of any services under Applicant's Mark.

**Response.** See General Objections. Document to the extent they exist will be provided.

**REQUEST NO. 4:**

All documents which refer or relate to or comment on Applicant's use or intended use of Applicant's Mark in United States commerce.

**Response.** See General Objections. Document to the extent they exist will be provided.

**REQUEST NO. 5:**

All documents which refer or relate to or comment on any provision of services under Applicant's Mark in United States commerce.

**Response.** See General Objections. Document to the extent they exist will be provided.

**REQUEST NO. 6:**

All documents which refer or relate to or comment on any sales of services under Applicant's Mark in United States commerce.

**Response.** See General Objections. Document to the extent they exist will be provided.

**REQUEST NO. 7:**

All documents which refer or relate to or comment on any searches, investigations or inquiries conducted by Applicant or by any person acting for or on its behalf regarding the availability of Applicant's Mark for use in United States commerce and/or registration in the United States.

**Response.** See General Objections. Document to the extent they exist will

be provided. No such documents exist.

**REQUEST NO. 8:**

A sample, copy, photograph, illustration, sketch or other depiction of each website, webpage, web banner ad, web button, package, label, sign, print, wrapper, receptacle and the like which has been or now is being used by Applicant in United States commerce which bears Applicant's Mark in whole or in part.

**Response.** See General Objections. Document to the extent they exist will be provided.

**REQUEST NO. 9:**

A sample, copy, photograph, illustration, sketch or other depiction of each website, webpage, web banner ad, web button, package, label, sign, print, wrapper, receptacle and the like which has been or now is being used by any licensee of Applicant in United States commerce which bears Applicant's Mark in whole or in part.

**Response.** See General Objections. Document to the extent they exist will be provided.

**REQUEST NO. 10:**

Copies of each and every different advertisement and item of a promotional nature disseminated or printed by or for Applicant in United States commerce via the Internet, television, radio, print media or any other medium whatsoever, whether or not released or aired, in which Applicant's Mark appears.



**Response.** See General Objections. Document to the extent they exist will be provided.

**REQUEST NO. 11:**

All documents which refer or relate to or comment on any license, permission, or authorization by Applicant or by any person acting for or on its behalf to use Applicant's Mark in United States commerce.

**Response.** See General Objections. Document to the extent they exist will be provided. No such documents exist.

**REQUEST NO. 12:**

All documents which refer or relate to or comment on any application for registration or any registration by Applicant, or by any predecessor and/or affiliated person or company of Applicant, of Applicant's Mark for any goods or services in the United States Patent and Trademark Office.

**Response.** See General Objections. Document to the extent they exist will be provided.

**REQUEST NO. 13:**

Copies of all agreements, contracts or other arrangements between Applicant and any third party which refer or relate to or comment on the promotion or use in United States commerce of Applicant's Mark.

**Response.** See General Objections. Document to the extent they exist will be provided. No such documents exist.

**REQUEST NO. 14:**

Copies of all agreements, contracts or other arrangements between Applicant and any third party which refer or relate to or comment on the provision of any services under Applicant's Mark.

**Response.** See General Objections. Document to the extent they exist will be provided. No such documents exist.

**REQUEST NO. 15:**

All documents which refer or relate to any litigation or other proceedings in the United States involving Applicant's Mark to which Applicant or any predecessor-in-interest of Applicant is or had been a party or in which Applicant or any or any predecessor-in-interest of Applicant is or has been involved.

**Response.** See General Objections. Document to the extent they exist will be provided. No such documents exist.

**REQUEST NO. 16:**

(a) Copies of any and all statements and/or opinions of any person, other than an attorney rendering legal advice to Applicant within the scope of an attorney-client privilege, regarding any of the issues involved in this opposition proceeding.

(b) All documents which refer or relate to or comment on any of the statements and/or opinions referred to in (a) above.

**Response.** See General Objections. Document to the extent they exist will be provided. No such documents exist.

**REQUEST NO. 17:**

Copies of any and all statements and/or opinions of any expert obtained by Applicant or any person acting for or on behalf of Applicant regarding any of the issues involved in this opposition proceeding.

**Response.** See General Objections. Document to the extent they exist will be provided. No such documents exist.

**REQUEST NO. 18:**

All documents, other than those produced in response to any of the foregoing requests, identified by Applicant in its responses to “Opposer’s First Set of Interrogatories to Applicant.”

**Response.** See General Objections. Document to the extent they exist will be provided. No such documents exist.

**REQUEST NO. 19:**

Copies of all documents, other than those produced in response to any of the foregoing requests, upon which Applicant intends to rely in connection with this opposition proceeding.

**Response.** See General Objections. Document to the extent they exist will be provided.

**REQUEST NO. 22:**

Copies of all documents, other than those produced in response to any of the foregoing requests, which were examined, reviewed or inspected by Applicant or any person acting for or on behalf of Applicant in connection with the preparation of Applicant’s responses to “Opposer’s First Set of Interrogatories to Applicant.”

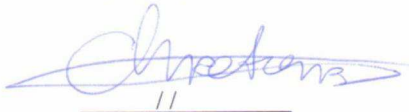
**Response.** See General Objections. Document to the extent they exist will be provided.

Respectfully submitted for the objections,

/jmf/  
Jeffrey M. Furr  
Attorney for Applicant  
2622 Debolt Road  
Utica, Ohio 43080  
740-892-2118

I, Chretien Schouten, Representative for Applicant, declare that the information provided in these interrogatories has been submitted truthfully.

Respectfully submitted,



/ /  
Chretien Schouten, Representative for Applicant

#### CERTIFICATE OF SERVICE

I hereby certify that this paper is being deposited on the 29th day of September, 2015 with the United States Postal Service in an envelope addressed to:

WILLIAM J SEITER  
SEITER LEGAL STUDIO  
2500 BROADWAY BUILDING F, SUITE F - 125  
SANTA MONICA, CA 90404  
UNITED STATES

/jmf/  
Jeffrey M. Furr, Esquire

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